

David Abrams, Attorney at Law
305 Broadway Suite 601
New York, NY 10007
Tel. 212-897-5821 dnabrams@gmail.com

United States District Court
Southern District of New York

| | | |
|------------------------------|---|-----|
| _____ |) | |
| Lisa Minor, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. |
| - against - |) | |
| |) | |
| The Children's Village a/k/a |) | |
| Children's Village Inc., |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

Plaintiff, complaining of the Defendant by her attorney, David Abrams, Attorney at Law, respectfully set forth and allege as follows:

I. Introduction

1. This is an action for wages and overtime under the Fair Labor Standards Act and the New York Labor Law.

II. Parties

2. Plaintiff ("Plaintiff" or "Ms. Minor") is a natural person.

3. Defendant The Children's Village a/k/a Children's Village Inc. (the "Employer" or "Defendant") is a New York not-for-profit corporation with a principle place of business in the State of New York, County of Westchester.

III. Venue and Jurisdiction

4. The Court has subject matter jurisdiction over this matter in that Plaintiff asserts claims under federal law and the remaining claims are part of the same case or controversy.

5. The Court has personal jurisdiction over the Defendants in that this matter arises from the Defendants' employment of the Plaintiff at its facility which is located in the Bronx.

6. Venue is appropriate in that this matter in the Southern District in that this matter arises from the Defendants' employment of the Plaintiff at its facility which is located in the Bronx.

IV. Background

7. At all times relevant to this complaint, the Employer operated social services agency.

8. Plaintiff was employed by the Defendant as an adoption coordinator for approximately 10 years until her employment ended in June 2017. As an adoption coordinator, Plaintiff regularly made telephone calls across state lines, typically to such places as New Jersey, Puerto Rico, Connecticut, Georgia, and Florida.

9. During approximately the last couple years of her employment, Plaintiff typically worked 5 days a week from 8am to at least 8pm, plus additional weekend work. During this time, Plaintiff was paid approximately \$1200 per week.

10. Before this time, Plaintiff typically worked 5 days a week, 4pm to 11pm plus an additional 10 to 15 hours on weekends.

11. Thus Plaintiff regularly worked overtime hours, however she was not paid a proper overtime premium for this overtime work.

12. Upon information and belief, the Employer failed to keep accurate records of the days and hours worked by the Plaintiff.

V. Causes of Action and Demand for Relief

Count One: Violation of New York Wage & Hour Law

13. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

14. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

15. The Employer was an employer within the meaning of those same regulations.

16. The Employer violated the above law and regulations in that it did not properly compensate Plaintiff for the hours and overtime hours she worked.

Count Two: Violation of the Fair Labor Standards Act

17. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

18. In the course of her job duties, regularly made use of the facilities of interstate commerce.

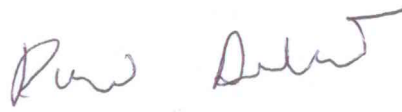
19. Accordingly, Ms. Minor was "in commerce" for purposes of the Fair Labor Standards Act.

20. The Employer violated the Fair Labor Standards Act in that it did not properly compensate Plaintiff for the hours and overtime hours she worked.

[continued on next page]

WHEREFORE Plaintiff demands judgment against the Defendant in the amount of her unpaid back wages, overtime and liquidated damages, in an amount not more than \$200,000.00 which includes attorneys fees and costs, and such other and further relief that the Court deems just.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David Abrams", is written over a faint, rectangular, light-colored stamp or watermark.

David Abrams
Attorney for Plaintiff
305 Broadway Suite 601
New York, NY 10007
Tel. 212-897-5821
Fax 212-897-5811

December 1, 2017
New York, New York